

Last evening, Congressman Joe Sestak (D-PA) voted for H. Res. 895, a piece legislation that would establish a new Office of Congressional Ethics within the House of Representatives. This legislation would bring greater accountability and transparency to the ethics enforcement process by requiring, for the first time in history, an independent review of alleged ethics violations by individuals who are not Members of Congress. — “I voted for the creation of an independent Office of Congressional Ethics, within the House of Representatives that is composed of board members, who are not special interest lobbyists or Members of Congress. As Representatives of the American people, we must be accountable to our constituents. Having an independent ethics office will give the American people confidence in their government and restore the public trust in Congress. It will also help to limit the number of conflicts of interests and help bring accountability to ensure that taxpayer dollars are being put to good use.” said Congressman Sestak. “To change the way business is done in Washington, we will require public disclosure, for the first time, at key stages in the ethics process with reasonable timeframes for action. This is critical so that the public, as well as Members of Congress, know that the process is working and that these matters are being reviewed.”

While Congressman Sestak believes today’s legislation is a good first step towards achieving greater ethics reform and accountability, he believes that it should have gone further.

“Having served for 31 years in the Navy, I have been largely shaped by my background in the military, where rules were extraordinarily stringent on gifts, trips, and contractor’s relationships. And now serving as an elected representative to serve the American people, I would expect such rules, if not higher standards, to be applied to Members of Congress,” said Congressman Sestak.

Congressman Sestak has long maintained that increasing ethics requirements for Members and their staffs will help restore faith among Americans that government is working for them, and, in May 2007, he introduced the “Independent Ethics Commission Act,” a bill that would create an independent ethics commission composed of retired federal judges. The Independent Ethics Commission would be allowed subpoena power to investigate alleged violations by Members, and employees of the House of Representatives, and present a case of probable ethics violations to the Ethics Committee. It would allow for outside groups and individuals to file ethics complaints to be reviewed by the independent ethics commission.

“While I support today’s effort to create a new independent ethics office, I believe it could have gone further by fully granting subpoena power to the board members so that they can fully

conduct independent investigations. Outside groups and individuals should have been provided with the opportunity to bring legitimate complaints to be reviewed by the board, but we fell short of that today.” said Congressman Sestak.

The new Office of Congressional Ethics would be led by a panel of six board members appointed by the Speaker and the Minority Leader, who will serve four year terms. A non-partisan professional staff will also be hired by the panel.

To foster bipartisanship within the independent panel, one board member appointed by each party will need to initiate a preliminary review of an ethics complaint.

Preliminary reviews of ethics complaints can be initiated at the request of two Board members. The office will have up to 30 calendar days or 5 legislative days to conduct a preliminary review to determine whether a complaint has merit.

Matters of merit may then be referred to a second-phase review to the House Ethics Committee for disposition; if no merit is found, the board can recommend dismissal. At least three members of the OCE must affirmatively vote to go beyond a preliminary review and to initiate a secondary review.

Referrals to the Ethics Committee will be accompanied by (1) a Report which recommends dismissal, further inquiry, or states that the Board vote was a tie, and (2) findings of fact. Neither document may contain conclusions regarding the validity of the allegations or the guilt or innocence of the person subject to review.

There are reasonable time limits for the Ethics Committee to act on the report — and significantly, provisions that would eventually require release of the independent panel’s report to the public if the Ethics Committee simply sat on the report. There are strict timelines and guarantees public comment by the Ethics Committee in most cases once a second phase review by the Office of Congressional Ethics is initiated.

The Ethics Committee has 45 calendar or 5 legislative days from date of referral to review the

matter. At the end of that time, the Committee must issue commentary on status, along with the Report and Findings of the Board, unless the Board and the Committee agree it should be dismissed. This time frame can be extended for up to 45 days by a vote of the Ethics Committee.

The resolution requires an announcement if the matter is deferred at the request of an appropriate law enforcement authority or when an investigative subcommittee is established. If no conclusion by the Ethics Committee is reached after one year, the Board's Report is published.

*Born and raised in Delaware County, former 3-star Admiral Joe Sestak served in the Navy for 31 years and now serves as the Representative from the 7th District of Pennsylvania. He led a series of operational commands at sea, including Commander of an aircraft carrier battle group of 30 U.S. and allied ships with over 15,000 sailors and 100 aircraft that conducted operations in Afghanistan and Iraq. After 9/11, Joe was the first Director of "Deep Blue," the Navy's anti-terrorism unit that established strategic and operations policies for the "Global War on Terrorism." He served as President Clinton's Director for Defense Policy at the National Security Council in the White House, and holds a Ph.D. in Political Economy and Government from Harvard University. According to the office of the House Historian, Joe is the highest-ranking former military officer ever to serve in the U.S. House of Representatives.*